

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1076 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No.

MINAKSHIBEN LALITKUMAR JOSHI

Versus

GSRTC

Appearance:

MR YM THAKKAR for Petitioners

MR HS MUNSHAW for Respondents

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 12/03/98

ORAL JUDGEMENT

Rule. Mr. Munsha for the respondents waives service of the Rule. At the request of the learned Advocates this petition is taken up for final hearing to-day.

This petition is filed by three widows who have lost their husbands on 14-11-1996, 21-1-1996 and 26-4-96 while they were serving with the respondent Corporation.

All these petitioners being the sole members, who can earn their livelihood for the aged inlaws and their minor children, applied to the respondent Corporation for getting compassionate appointment to the posts of Writers (Class IV). It is the case of the petitioners that they were called by the respondent Corporation for the purpose of medical examination on 10-10-1997 and they have undergone the said test as per the instructions conveyed to them by the Corporation. The intimation given by the Corporation to undergo the medical test clearly provides that the posts for which the petitioners have applied have already been sanctioned and, therefore, the medical test is necessary. It is the grievance of the petitioners that inspite of the fact that they have already undergone medical test, no appointments have been made till date.

In paragraph 2.9 of the petition, the petitioners have made averment that the officer of the respondent Corporation had informed the petitioners, after persistent inquiry that the High Court has stayed the further appointments on compassionate ground vide order dated 16-10-97 in Special Civil Application No.7368 of 1997 to which the petitioners have submitted the said petition was preferred by one M.M.Shah and others against the respondent Corporation for seeking direction against the respondent Corporation for not applying the policy of compassionate appointment and for departing from the same and in that matter this Court has passed interim order that no appointment shall be made in Class III category on compassionate ground. Since the petitioners are seeking appointments in Class IV category as Writers, it is not open to the respondent Corporation to take shelter for not giving appointment to the petitioners under the guise of the aforesaid stay order granted in that petition. My attention has been invited to the order passed by this Court in Special Civil Application No. 7368/97. On mere perusal of the said order, it is clear that this Court has granted stay against the compassionate ground as far as Class III category is concerned.

In the result, this petition is allowed. The respondent Corporation is directed to give appointment to the petitioners on compassionate ground by issuing appropriate orders within two weeks from the date of receipt of this order. Rule is made absolute to the aforesaid extent with no order as to costs. Liberty is reserved to the respondents to apply in case of difficulty. D.S.permitted.

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